

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS LIABILITY
LITIGATION (NO. VI)

Civil Action No. MDL 875

This Document Relates to:

George Thomas Toole

Plaintiff,
vs.

DISTRICT OF SOUTH CAROLINA

Civil Action No. 0:08-901

Aqua-Chem, Inc.

(d/b/a Cleaver-Brooks Division);

Borg-Warner Morse TEC, Inc.;

CertainTeed Corporation;

A.W. Chesterton Company;

Fluor Daniel, Inc.;

Fluor Daniel Services Corporation;

General Refractories Company;

Georgia Pacific Corporation;

National Service Industries, Inc.;

Rapid-American Corporation

*(successor by merger to Glen Alden Corporation,
Briggs Manufacturing Company, Philip Carey
Corporation and Philip Carey Manufacturing
Company);*

Union Carbide Corporation;

Viacom, Inc.

*(successor by merger to CBS Corporation f/k/a
Westinghouse Electric Corporation),*

Defendants

COMPLAINT

Plaintiff hereby adopts and incorporates Plaintiffs' Master Long Form Complaint in Re: Asbestos Litigation in the United States District Court for the Eastern District of Pennsylvania, filed as Miscellaneous No. 86-0457. Pursuant to the August 20, 1986, Order of Honorable James T. Giles, the following short-form Complaint is utilized in this asbestos action:

1. George Thomas Toole, The Injured Plaintiff ("plaintiff-worker"). Plaintiff 's Address, Social Security Number, and Date of Birth information is available upon request.

2. The Court has jurisdiction of this matter pursuant to the Multidistrict Litigation Order dated July 29, 1991, Civil Action No. MDL 875. Moreover, the Plaintiff is a citizen of the State of North Carolina and no defendant is a citizen or has a principal place of business in the State of North Carolina. Further, the amount in controversy, exclusive of interest and costs, exceeds \$100,000.00.

3. The Defendants are those companies listed in the caption.

4. Plaintiff hereby incorporates by reference the following counts from the Master Long-Form Complaint: Counts I, II, III, IV and V.

5. Plaintiff-worker's asbestos employment history, including, to the extent possible at this time, the asbestos products to which plaintiff-worker was exposed is attached hereto as Schedule I.

6. Plaintiff-worker was diagnosed with asbestosis by David A. Schwartz, M.D. on April 15, 2005.

7. Plaintiff certifies that they have not been a party to any related third-party asbestos litigation.

8. Plaintiff hereby demands a trial by jury on all issues of fact.

Respectfully submitted,

WALLACE AND GRAHAM, P.A.

By: s/Mona Lisa Wallace
S.C. Bar No.: 07216
Attorney for Plaintiff
WALLACE & GRAHAM, P.A.
525 North Main Street
Salisbury, North Carolina 28144
Tel. No. (704) 633-5244
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E-Mail: mwallace@wallacegraham.com

Date: 3/17/08

SCHEDULE I
Plaintiff-Worker Employment History
Asbestos Exposure Worksite Information

OCCUPATION:

Control Electrician Tech II
Electrician; Hydro Plant Operator
Service Station Attendant

EMPLOYER/WORKSITE:

APPROXIMATE DATES:

Shaw Energy Delivery Services – Duke Energy-various sites	2004 – Present
Duke Energy Delivery Services – Duke-various sites	1996 – 2004
Duke Energy – all sites	1973 – 1996
Service Station – Great Falls, SC	1972

RELATED ASBESTOS LITIGATION:

Worker Compensation Claim - Duke Energy – Settled

SMOKING HISTORY:

1 ppd. 1973 - Present

PRODUCTS CONTAINING ASBESTOS:

Raw Asbestos Fiber, Pipe Covering, Block, Cements, Gaskets, Refractory Materials, Boilers, Joint Compounds, Wall Board, and other asbestos containing materials.

DEPENDENTS:

None

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DEFENDANTS LIST

Aqua-Chem, Inc., d/b/a Cleaver-Brooks Division
7800 North 113th Street
Milwaukee, WI 53224-3136

Borg-Warner Morse TEC, Inc.
3850 Hamlin Road
Auburn Hills, MI 48326

CertainTeed Corporation
CT Corporation System
225 Hillsborough Street
Raleigh, NC 27603

A.W. Chesterton Company
PO Box 4004
Woburn, WA 01888-4004

Fluor Daniel, Inc.
National Registered Agents, Inc.
120 Penmarc Drive, Suite 118
Raleigh, NC 27603

Fluor Daniel Services Corporation
National Registered Agents, Inc.
120 Penmarc Drive, Suite 118
Raleigh, NC 27603

General Refractories Company
225 City Avenue, Suite 114
Bala Cynwyd, PA 19004

Georgia Pacific Corporation
CT Corporation System
75 Beattie Place
Greenville, SC 29601

National Service Industries, Inc.
Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603

Rapid-American Corporation
Corporation Service Company
2711 Centerville Road, Ste. 400
Wilmington, DE 19808-1645

Union Carbide Corporation.
CT Corporation System
225 Hillsborough Street
Raleigh, NC 27603

Viacom, Inc.
Corporation Service Company
2711 Centerville Road, Ste. 400
Wilmington, DE 19808-1645